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14 **UNITED STATES DISTRICT COURT**
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, *et al.*

18
19 Plaintiffs,

20 v.

21 UNITED STATES OFFICE OF PERSONEL
MANAGEMENT, *et al.*,

22 Defendants.
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Case No. 3:25-cv-1780-WHA

**DECLARATION OF TRACEY THERIT IN
COMPLIANCE WITH ORDER ON
CROSS-MOTIONS FOR SUMMARY
JUDGMENT**

1 I, Tracey Therit, declare, pursuant to 28 U.S.C. § 1746, as follows:

2 1. I am the Chief Human Capital Officer of the Department of Veterans Affairs
3 (“Department”), headquartered in Washington, D.C. I have served in this position since July
4 2019.

5 2. I have worked for the Department for 19 years, and the federal government for 34
6 years. The Office of the Chief Human Capital Officer provides governance, policy and guidance
7 with regard to recruitment, staffing, enterprise-wide HR systems, classification, compensation,
8 leave, performance management, recognition, work-life and benefits, workforce and succession
9 planning, employee and labor relations, learning and development and alternative dispute
10 resolution.

11 3. On February 13, 2025, and February 24, 2025, the Department terminated
12 approximately 1,683 probationary employees (“affected employees”). As of March 17, 2025, all
13 affected employees were returned to a pay status and were subsequently returned to duty status,
14 unless the employee chose to resign or was terminated for cause following an individualized
15 review of their performance or conduct.

16 4. In March 2025, VA also removed all references to the February 13, 2025, or
17 February 24, 2025, terminations, whichever is applicable, from personnel files of affected
18 employees.

19 5. All corrective notices required by the district court’s order were sent to affected
20 employees through official Department email on October 22, 2025, personal email on October
21 24, 2025, and October 30, 2025 or by first-class mail on October 30, 2025. An example of the
22 corrective notice is provided with this declaration.

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
2 and correct.

3 Dated:

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6 /s/
7 Tracey Therit
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[REDACTED]

From: OCHCO Probationary BUE Communications
Sent: Thursday, October 30, 2025 6:59 AM
To: [REDACTED]
Subject: AFGE v. OPM (Decision Sept 12, 2025)

Department of Veterans Affairs
810 Vermont Ave NW
Washington, D.C. 20420

October 30, 2025

[REDACTED]

Dear [REDACTED]:

This corrective notice is provided to you pursuant to an order issued on September 12, 2025, by the United States District Court for the Northern District of California in the case *American Federation of Government Employees v. U.S. Office of Personnel Management*, No. 3:25-cv-1780-WHA (N.D. Cal.).

As required by Paragraph 5 of the district court's order, the Department of Veterans Affairs informs you that your termination on either February 13 or February 24, 2025, depending on which applies, was not based on your personal performance.

An SF-50 termination action was the only document in your personnel files referencing the termination referenced in paragraph 2 of this corrective notice. As required by Paragraph 3 of the district court's order, the Department of Veterans Affairs has removed the SF-50 termination action, which was not performance or conduct based.

Sincerely,

s/ Tracey Therit

Tracey Therit
Chief Human Capital Officer